

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

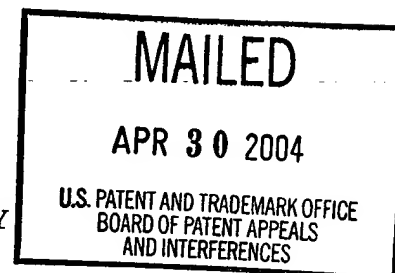
The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte IANNE MAE HOWARDS KORITZINSKY  
and JOHN AURTHUR REICH



Application No. 09/476,708

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 30, 2004. A review of the application has reveals that the application is not be ready for docketing as an appeal. The matters requiring the examiner's attention prior to docketing are identified below.

An Appeal Brief was filed September 12, 2003, however, the \$320.00 required fee has not been applied against the deposit account. Note page 24 of the Appeal Brief, appellant authorizes charging the fee against Deposit Account 07-0845.

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An Amendment was filed February 21, 2003, in response to a Non-Final Rejection mailed November 14, 2002. Page 15 of the Amendment discloses that an attachment page identified as a "...marked up version of the changes made to the drawings and claims by the current amendment." The attachment page is captioned "Version with markings to show changes made." This attachment is missing from the file. The examiner needs to obtain a copy of this attachment and place in the file.

Lastly, a prior art statement and Form 1449, with attachments was filed March 21, 2000, the prior art statement and Form 1449 is missing from the file.. The examiner needs to obtain a copy of this attachment and place in the file

Accordingly, this application is being returned for the examiner as identified below:

Accordingly, it is

**ORDERED** that

1) the application is returned to the examiner to have the \$320.00 Reply Brief fee applied to Account No. 07-0845;

2) the application is being returned to the examiner to obtain a copy of the attachment page for the Amendment dated February 21, 2003;

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3) the application is being returned to the examiner to obtain a copy of the March 21, 2000, prior art statement and Form 1449; and

4) Any further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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RA04-0491

Application No. 09/476,708

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